



NCOER APPEAL



This handout contains the basic information you will need to prepare an appeal to your Noncommissioned Officer Evaluation Report (NCOER). It includes an explanation of what you may appeal, the time limit for appeals, and what information you should include in your appeal. Use the checklist on the last page to ensure your appeal meets the requirements for review and will not be returned to you without being considered.

For additional information, refer to Chapter 6 and Appendix F of Army Regulation 623-205, Noncommissioned Officer Evaluation Reporting System.

What Can I Appeal?

Grounds for appeal include:

- (1) an inaccurate or unjust evaluation of your performance and potential,
- (2) administrative errors,
- (3) violation of the Army Regulation in effect at the time of preparation, or
- (4) a combination of these.

If you received a good rating, it is difficult to appeal simply because you believe you deserved a better rating.

In deciding what to appeal, consider whether you have useful evidence to support the appeal. The report is presumed to be correct until you prove otherwise. Your statement alone is not sufficient evidence. Just because your other reports were outstanding is not proof that this “so-so” report is wrong. Your ability to make a successful appeal of a report depends on your efforts to locate and present clear and convincing evidence that the evaluation is inaccurate or unjust.

When May I Appeal?

If your appeal is based on administrative errors in the report, there is no time limit. You must appeal within 5 years if the appeal is based on the substance of the report. You should begin preparation of an appeal as soon as possible. As time passes, people forget and documents and key personnel are less available. We recommend you submit an appeal soon after you receive the report.

Preliminary Steps in Preparing an Appeal

The first step is to review the Army Regulation that was in effect at the time the challenged report was prepared. The current regulation is AR 623-205, effective on 15 May 2002. As you look over the regulation, refer to your report. Note any instances where provisions of the governing regulation were not followed. Also, watch for errors such as your name, grade, SSN, MOS, inclusive rated period, non-rated periods, duty description and rating chain. You may want to seek assistance from your local Personnel Service Battalion (PSB) or Legal Assistance Attorney in accomplishing this task. While minor inconsistencies or irregularities in the preparation of an evaluation report are not usually the sole basis for removal, they do add to the overall consideration of the merits of an appeal. Some serious problems alone, such as improper rating officials, may be enough to base your appeal on without other issues.

Next, look at the substantive portions of the report. These portions include the numerical scores, block placements, and narrative comments. Make note of each evaluation and narrative comment with which you have good reason to disagree.

Make a list of those individuals who observed your performance during the rated period. Make a list of people who can respond to the specific shortcomings or incidents for which you were faulted. Also identify those who knew your working relationship with your rating officials.

Collecting Statements and Documents

Prepare the letters you intend to send to solicit support for your appeal. AR 623-205 shows a sample letter in Figure 6-5. In your letters, identify yourself and why you are writing. It is a good idea to include a copy of the report and identify the specific portions you are contesting. You should advise the person to identify his or her position during the period of the challenged report and the degree of observation of your performance and interaction with your rating chain during the same period. Most importantly, ask the person to offer their personal observations or knowledge that will disprove the parts of the report being challenged. For example, a statement that says you were a “good soldier,” without disproving or disputing the shortcomings described in the report, does not provide convincing support for your appeal. Mail your letters requesting support and include a stamped return envelope and a sample format for a letter of support shown in the regulation (Figure 6-6).

Writing Your Appeal

Identify the specific portion(s) of the report you dispute and clearly state your argument. You may request a remedy of either changes to the report or total removal of the report. Limit your explanation to the basic facts. If more detailed information is necessary, add your own statement as an enclosure to the appeal. Your self-authored statement is your only opportunity to talk to the Board since the Board will not contact you.

Appendix F of AR 623-205 contains several examples of formats for appeals. Your appeal should be a typed, military memorandum on letterhead or white bond paper. All enclosures should be tabbed and listed for easy reference. Also refer to the enclosures in the written memorandum as evidence of your argument. Your appeal will not be processed unless you identify your name, rank, SSN, period of the report, and the priority of your appeal (para. 6-9). Include a phone number and current mailing address. If you want your appeal to remain confidential, you may want to use your home mailing address.

Review and Mail Your Appeal

Before submitting the appeal, ask a trustworthy person to review the entire packet. Do not submit your appeal until you are satisfied that it is logical, well-constructed, and as fully documented as possible. Mail the final appeal and one complete copy directly to the appropriate address for your component. Don't forget to sign your appeal!

Processing and Disposition of Appeals:

The Appeals and Corrections Branch of the respective Active, Reserve, or National Guard component will review the case and notify you that the appeal has been accepted, or that the case fails to meet the minimum standards for an appeal and is being returned to you. Upon final determination of the case, you will be notified of the outcome.

If your appeal is not totally approved, you have further recourse. You may submit a request for reconsideration of your appeal based on additional evidence to the DCSPER Enlisted Special Review Board (ESRB) or to the Army Board for Correction of Military Records (ABCMR) under the provisions of AR 15-185.

CHECKLIST FOR NCOER APPEALS

Appellant's Letter:

- _____ Typed, military memorandum on letterhead or white bond paper.
- _____ First paragraph identifies name, rank, SSN, period of report and priority of appeal.
- _____ Include phone number and correct mailing address.
- _____ Explain the nature of your disagreement and what corrective action you are requesting.
- _____ List and identify all enclosures.
- _____ Sign and date the memorandum.

Evidence:

- _____ Packet includes a copy of the challenged report.
- _____ Packet includes letters of support from other individuals with knowledge of the situation.
- _____ All documents and statements are originals or certified true copies.

Review and Mail:

- _____ A trustworthy person reviewed the packet.
- _____ Include two copies of everything – one set of originals and one duplicate copy.
- _____ All enclosures are listed and included.
- _____ Signatures and dates are on all documents.
- _____ The correct address is on the envelope or mailing container. (Do not use fancy binders or covers. They make it more difficult to process the appeal and take up unnecessary storage space.)

**This handout is for general informational purposes only. For specific questions concerning individual circumstances, or for questions in general about NCOER appeals, contact the Legal Assistance office in your area.*

Yongsan Client Legal Services Office, Bldg 4106, room 229 (ACS building). Please call 738-6841 for an appointment. Office hours: M, Tu, W, F 0900-1600 and Th 1300-1500.
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